

To: All Concerned Persons

2. The Department of Labor and Industry (Department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Psychologists (Board) no later than 5:00 p.m. on October 7, 2005, to advise us of the nature of the accommodation that you need. Please contact Cheryl Brandt, Board of Psychologists, 301 South Park, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2394; Montana Relay 1-800-253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; e-mail dlibspsy@mt.gov.

24.189.2107 CONTINUING EDUCATION IMPLEMENTATION (1)
through (2)(c) remain the same.

(d) All licensed psychologists must either submit attestation to the board on the appropriate year's license renewal a report summarizing their that they have obtained the required continuing education or submit a plan to complete the continuing education credits activities. The board will review these reports renewals prior to April 30 of the subsequent year and, if appropriate, notify the licensee regarding his/her noncompliance. Licensees found to be in noncompliance with the requirement will be asked to submit to the board for approval a plan to complete the continuing education requirements for licensure. Prior to the next consecutive year's license renewal deadline, those licensees who were found to be in noncompliance will be formally reviewed to determine their eligibility for license renewal. Licensees, who at this time have not complied with continuing education requirements, will not be granted license renewal until they have fulfilled the board approved plan to complete the requirements be referred to the board screening panel for possible disciplinary action. Those not receiving notice from the board regarding their continuing

education should assume satisfactory compliance. Notices will be considered properly mailed when addressed to the last known address on file in the board office. No continuing education programs used to complete delinquent continuing education plan requirements for licensure can be used to meet the continuing education requirements for the next continuing education reporting period.

(e) remains the same.

(f) The board will randomly audit ~~5%~~ 50% of the licensees attesting to continuing education in addition to all licensees requiring a plan continuing education reports submitted each year. Certificates of completion or programs for continuing education credits reported must be submitted upon request of the board. Any continuing education noncompliance determined by the audit may be handled by the board as a disciplinary matter.

AUTH: 37-17-202, MCA

IMP: 37-1-131, 37-17-202, MCA

REASON: The Board has determined that it is reasonable and necessary to propose changes to modify the administration of continuing education (CE) for psychologists in order to reflect recent changes in technology affecting the reporting of CE. This modification provides for the attestation method of reporting CE and further facilitates online license renewals. The Department has determined that there exists insufficient website resources for the online input by licensees of course names, sponsors and other information required for the full reporting of CE. This amendment allows licensees to attest to the completion of their CE requirements while renewing licensure online.

It is reasonable and necessary to amend the rule to adapt the process for licensee reporting and Board verification of CE to changes in section 37-1-131, MCA, following the 2005 legislative session. House Bill 182 (Ch. 467, Laws of 2005) amended the statute to clarify that if a professional licensing board requires CE for continued licensure, the board may not audit or verify compliance with CE requirements as a precondition for license renewal. The amendment to the rule clarifies that the Board will randomly audit 50% of the licensees that attest at renewal to completion of CE. Additionally, the amendment clarifies that the Board will audit all licensees who submitted a plan to complete the prior year's CE requirements. The rule is being amended to coincide with the new legislative changes and further implement the statute and will affect all renewing Montana licensed psychologists.

4. The proposed New Rule provides as follows:

NEW RULE I FEE ABATEMENT (1) The board of psychologists adopts and incorporates by reference the fee abatement rule of the department of labor and industry found at ARM 24.101.301.

AUTH: 37-1-131, 37-17-202, MCA
IMP: 17-2-302, 17-2-303, 37-1-134, MCA

REASON: The Board has determined there is reasonable necessity to adopt and incorporate by reference ARM 24.101.301 to allow the Board to authorize the Department to perform renewal licensure fee abatements as appropriate and when needed, without further vote or action by the Board. The Department recently adopted ARM 24.101.301 to implement a means for the prompt elimination of excess cash accumulations in the licensing programs operated by the Department.

Adoption and incorporation of ARM 24.101.301 will allow the Department to promptly eliminate excess cash balances of the Board that result from unexpectedly high licensing levels or other non-typical events. Abatement in such instances will allow the licensees who have paid fees into the Board's program to receive the temporary relief provided by abatement. Adoption of this abatement rule does not relieve the Board from its duty to use proper rulemaking procedures to adjust the Board's fee structure in the event of recurrent instances of cash balances in excess of the statutorily allowed amount.

5. Concerned persons may present their data, views or arguments either orally or in writing at the hearing. Written data, views or arguments may also be submitted to the Board of Psychologists, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or by e-mail to dlibspsy@mt.gov, and must be received no later than 5:00 p.m., October 21, 2005.

6. An electronic copy of this Notice of Public Hearing is available through the Department and Board's site on the World Wide Web at www.psy.mt.gov. The Department strives to make the electronic copy of this Notice of Public Hearing conform to the official version of the Notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the Notice and the electronic version of the Notice, only the official printed text will be considered. In addition, although the Department strives to keep its website accessible at all times, concerned persons should be aware that the website may be unavailable during some periods, due to system maintenance or technical problems, and that a person's technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

7. The Board of Psychologists maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this Board. Persons who wish to have their name added to the list shall make a written request which includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding all Board of Psychologists administrative rulemaking

proceedings or other administrative proceedings. Such written request may be mailed or delivered to the Board of Psychologists, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, faxed to the office at (406) 841-2305, e-mailed to dlibsdp@mt.gov, or may be made by completing a request form at any rules hearing held by the agency.

8. The bill sponsor requirements of 2-4-302, MCA, apply and have been fulfilled.

9. Darcee Moe, attorney, has been designated to preside over and conduct this hearing.

BOARD OF PSYCHOLOGISTS
JAY PALMATIER, PhD, CHAIRPERSON

/s/ KEITH KELLY
Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

/s/ MARK CADWALLADER
Mark Cadwallader
Rule Reviewer

Certified to the Secretary of State September 12, 2005